In the United States District Court for the Western District of Missouri Western Division

Leah D. Snider		
)	
Plaintiff,)	
)	
VS.)	
)	Case No. 11-CV-1011-BF
Anschutz Entertainment Group, Inc.)	
and AEG Kansas City Arena, LLC,)	
•)	
Defendants.)	

Plaintiff's Motion to Remand Pursuant to 28 U.S.C. §1447(c)

COMES NOW the Plaintiff and for her Motion to Remand states:

1. This personal injury lawsuit was originally filed in the Circuit Court of Jackson County, Missouri and the Petition's prayer for relief conformed with Rule 55.05 of the Missouri Rules of Civil Procedure which states, in part:

"If a recovery of money be demanded, the amount shall be stated, except that in actions for damages based upon an alleged tort, no dollar amount or figure shall be included in the demand except to determine the proper jurisdictional authority, but the prayer shall be for such damages as are fair and reasonable."

Accordingly, the Petition sought damages that were fair and reasonable, but in excess of \$25,000.00.

- 2. On October 5, 2011, Defendant Anschutz Entertainment Group, Inc. filed a Notice of Removal.
- 3. On May 31, 2012, Plaintiff filed her Second Amended Complaint (Document #55) and, no longer bound by the constraints imposed by Missouri Rule of Civil Procedure 55.05, sought damages of \$70,000.00.

- 4. Pursuant to 28 U.S.C. §1332(a) "the district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs . . ."
 - 5. Here, the matter in controversy does not exceed the sum or value of \$75,000.00.
- 6. 28 U.S.C. §1447(c) states in pertinent part that "if at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case **shall** be remanded" [emphasis added]. Accordingly, this case should be remanded to State court for further proceedings.

WHEREFORE, Plaintiff prays that this Court enter its order remanding this cause to the Circuit Court of Jackson County, Missouri for all future proceedings pursuant to the provisions of 28 U.S.C. §1447(c).

HANKINS, CONKLIN & HILTON, P.C.

/s/ Wesley D. Hilton

Thomas E. Hankins - Bar #26005 Wesley D. Hilton - Bar #60944 6812 North Oak Trafficway, Suite 5 Gladstone, Missouri 64118-2587 Telephone: (816) 436-3100

Fax No. (816) 436-8643 Attorneys for Plaintiff

Certificate of Service

I hereby certify that on this 6th day of July, 2012, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system which will send a notice of electronic filing to: Paul Hasty, Jr., HASTY & ASSOCIATES, LLC, Attorney for Defendants.

/s/ Wesley D. Hilton
Attorney for Plaintiff